



Austin City Council MINUTES

For NOVEMBER 10, 1983 - 1:00 P.M.

Council Chambers, 301 West Second Street, Austin, Texas

City Council

Ron Mullen
Mayor

John Treviño, Jr.
Mayor Pro Tem

Council Members
Mark Rose
Roger Duncan
Sally Shipman
Mark E. Spaeth
Charles E. Urdy

Nicholas M. Meiszer
City Manager

Elden Aldridge
Acting City Clerk

Memorandum To:

Mayor Mullen called to order the meeting of the Council scheduled for 1:00 p.m., noting the presence of all Councilmembers.

MINUTES APPROVED

The Council, on Councilmember Shipman's motion, Mayor Mullen's second, approved the Minutes of September 8, 1983. (6-0 Vote, Mayor Pro Tem Trevino was out of the room.)

CITIZEN DID NOT APPEAR

Mr. Peter Varteressian, who had requested to present a franchise fee check to the City, did not appear but will present the check at a later date.

IDEA PROPOSED

Mr. Fred Ernst and Mr. Mark L. Wardell, showed Council an advertising board to be attached to parking meters. The City would rent the advertising space and realize revenue.

Mayor Mullen pointed out that the Council has just passed a billboard ordinance and does not think the City should go into the business of billboard advertising for themselves.

INTERIM BOARD OF MTA DISCUSSED

Mr. Dominic Mays, Sr., discussed Council's recent selections to Interim Board for MTA and said no Blacks had been appointed. Mayor Mullen told him only five members, according to State Law, can be on the board and Council had a difficult time limiting their choices.

CONSENT ORDINANCES

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Duncan's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (7-0 Vote)

Austin City Code Amendments

Approved the following amendments:

- a. Chapter 13-5, the 1982 edition of the UNIFORM BUILDING CODE and local amendments thereto.
- b. Chapter 13-8, the 1982 edition of the UNIFORM MECHANICAL CODE and local amendments thereto.
- c. Chapter 13-9, the 1982 edition of the UNIFORM PLUMBING CODE and local amendments thereto.
- d. Chapter 13-7-1, the 1982 edition of the UNIFORM FIRE CODE and local amendments thereto.

Police Retirement Ordinance

Approved amending the Police Retirement Ordinance to reflect benefit changes.

Bond Coupons

Approved an ordinance establishing a policy and requirements for replacement or payment of lost/detached bond coupons.

Item Postponed

During the consent motion, Council postponed until December 15, 1983 the second and third readings of ordinances annexing the following:

- a. 171 acres of land along R.M. 620 for limited purposes.
- b. 842 acres of land along R.M. 620 for full purposes.
- c. 1844 acres of land along I.H. 35 North for full purposes.

Zoning Ordinances

Approved amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes:

ZONING ORDINANCES - (Continued)

- a. **TEXAS CENTER ASSOCIATES**
By David Ambrust
C14-83-144
- 502-512 Haywood Avenue
413-507 Barton Springs Road
501-615 South 1st Street
- From "C-2" 3rd H&A
to "C-2" 2nd H&A
- b. **EDWARD L. ROSE, JR. GEORGE H. ROSE & PEGGY ROSE ADAMS**
By Wm. H. Bingham
C14-83-160
- 500-502 East 11th St.
- From "B" 3rd H&A to
"C" 3rd H&A
- c. **CONRAD WERKENTHIN & JACK HUDDLESTON**
By Tom Curtis
C14-83-164
- 8801 McCann Drive
- From Interim "A" 1st
H&A to "B" 1st H&A
- d. **EMILE JAMAIL**
By Jeryl Hart
Engineers
C14-83-099
- 4101-4409 Bull Creek Road (F.M. 2222) also bounded by proposed Creek
- From "AA" 1st H&A to
"A" 1st H&A

(5-1-0 Vote on C14-83-099 - Mayor Pro Tem Trevino abstained and Councilmember Shipman voted No.)

Sleeping in a Public Place

Passed through SECOND and THIRD readings of an ordinance amending Section 9-1-12 of the Austin City Code relating to the offense of sleeping in a public place.

CONSENT RESOLUTIONS

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, adopted the following resolutions in one consent motion: (7-0 Vote)

Release of Easements

Authorized release of the following easements:

- a. A portion of a 7.5' Public Utility and Drainage Easement on Lot 2327, Lakeway, Section 22, 510 Rolling Green Drive. (Requested by Mr. Don R. Cody, Owner)
- b. A portion of a Drainage Easement on Lot 16, Block X, Northwest Hills, Section 12, 6200 Ledge Mountain Drive. (Requested by Mr. William H. Espey, Jr., Owner)

Property Dedication

Approved dedication of city-owned property as street right-of-way for the Eberhart Lane Street Improvement Project.

Contracts Approved

Approved the following contracts:

- a. ALICE ROOFING & SHEET METAL WORKS, - CAPITAL IMPROVEMENTS PROGRAM
INC.
P. O. Box 20087
San Antonio, Texas
Renovation at City Coliseum,
Public Works Department -
\$31,834.00 C.I.P. No. 78/80-03
- b. AUSTIN ROAD COMPANY - CAPITAL IMPROVEMENTS PROGRAM -
428 East Anderson Lane
Austin, Texas
Upper Little Walnut Creek
Detention Plan, Rutland Pond and
500 feet of Mearns Meadow
Boulevard, Public Works Department
- \$478,177.06 C.I.P. No. 82/60-05
- c. ROBERT JEVTSCH CONSTRUCTION CO. - CAPITAL IMPROVEMENTS PROGRAM -
P. O. Box 3343
Austin, Texas
Concrete piers to support
the Town Lake Peninsula and Pease
Park Pedestrian Bridges, Parks and
Recreation Department - \$19,280.00
C.I.P. No. 83/86-08
- d. CONTINENTAL CUSTOM BRIDGE COMPANY - CAPITAL IMPROVEMENTS PROGRAM
P. O. Box 189
Alexandria, Minnesota
Fabrication of two pedestrian
Bridges, Parks and Recreation
Department - \$29,886.00
- e. POWER SUPPLY OF AUSTIN - CAPITAL IMPROVEMENTS PROGRAM -
1616 West 5th Street
Austin, Texas
Station Class Surge Arrestors,
Electric Utility Department
Item 1 - \$52,800.00 C.I.P. Nos.
79/16-04, 81/16-02 & 79/16-03
- f. POWER ENTERPRISE, INC. - CAPITAL IMPROVEMENTS PROGRAM
117 Seaside Canal
New Orleans, Louisiana
Structural Steel, Electric
Utility Department
Item 1 - \$221,341.00 C.I.P. Nos.
79/16-04, 81/16-02 & 79/16-03
- g. SIEMENS-ALLIS, INC. - CAPITAL IMPROVEMENTS PROGRAM
12200 Northwest Freeway, Suite 415
Houston, Texas
Circuit Breakers, Electric
Utility Department
Item 1 - \$144,000.00 C.I.P. Nos.
81/16-02 & 83/16-06

November 10, 1983

- h. BROWN-VOVERI ELECTRIC
1003 Wirt Road, Suite 208
Houston, Texas
- CAPITAL IMPROVEMENTS PROGRAM
Metal-Clad Switchgear, Electric
Utility Department
Item 1 - \$207,711.00 C.I.P. Nos.
81/16-02 & 83/16-04
- i. FEDERAL PACIFIC ELECTRIC
c/o R. D. Erb Company, Inc.
111 West Laurel
San Antonio, Texas
- CAPITAL IMPROVEMENTS PROGRAM
Power Transformers, Electric
Utility Department
Item 1 - \$435,000.00 C.I.P. No.
81/16-02
- j. Bid Award:
- CAPITAL IMPROVEMENTS PROGRAM
Air Switches, Electric Utility
Department
\$102,522.00 C.I.P. Nos.
81/16-02, 79/16-04 & 79/16-03
- (1) SIEMENS-ALLIS, INC.
12200 Northwest Freeway,
Suite 415
Houston, Texas
- Items 1 thru 3 - \$72,330.00
- (2) USCO POWER EQUIPMENT
CORPORATION
2901 Pine Haven Drive
Birmingham, Alabama
- Item 4 - \$30,192.00
- k. GENERAL ELECTRIC COMPANY
Electric Utility Sales
1600 N. E. Loop 410
San Antonio, Texas
- CAPITAL IMPROVEMENTS PROGRAM -
Potential Transformers,
Electric Utility Department
Item 1 - \$67,275.00 C.I.P. Nos.
79/16-04, 82/16-02 & 79/16-03
- l. Bid award:
- Flexible Bases, Public Works
Department Twelve (12) Month
Supply Agreements - \$140,450.00
- (1) AUSTIN CRUSHED STONE CO.
1807 Hydro
Round Rock, Texas
- Items 1.4 & 1.5 - \$39,000
- (2) STEVE'S SOUTH TEXAS
CORPORATION
814 Howard Lane
Austin, Texas
- Items 1.1 & 1.3 - \$80,650
- (3) H. R. MOYE TRUCKING COMPANY
Rt 3, Westinghouse Road
Georgetown, Texas
- Item 1.2 - \$20,800

CONTRACTS - (Continued)

- m. VAN WATERS AND ROGERS
3439 Steen
San Antonio, Texas - Ferrous Sulfate Heptahydrate,
Water and Wastewater Department
Twelve (12) Month Supply Agreement
Item 1 - \$83,766.00
- n. CLARKSVILLE/BLACKSHEAR JOINT
VENTURE
603 Theresa
Austin, Texas - Construct Rental Housing in CDBG
(Community Development Block
Grant) 9th Year CDBG Program,
Human Services Department
Not to Exceed \$500,000.00
November 11, 1983 thru September 30,
1984

Grant Application

Authorized submission of a grant application and accept funding of \$49,964 from the Capital Area Planning Council for Title III Older American Act Funds for the Austin/Travis County Senior Luncheon Program for a 9th year renewal.

Robertson Hill Fund Spending Strategy

Approved the Robertson Hill Fund Spending Strategy. (\$523,135 - unallocated funds)

Item Postponed

During the consent resolution, Council postponed until December 15, 1983 consideration of releasing a portion of ETJ to the City of Cedar Park.

North Austin MUD Bonds

Approved authorizing the issuance of \$1,500,000.00 in district tax bonds by North Austin Growth Corridor Municipal Utility District No. 1. (6-1 Vote, Councilmember Duncan voted No.)

Print Shop Lease Space

Approved leasing space for the Print Shop in the Travis Building.

Item Postponed

Postponed until November 17, 1983 consideration of a resolution approving an Industrial Development Bond Financed project for the Davis Buildings for the purpose of the Federal Tax Law and making the findings required by the Texas Industrial Development Commission.

HEARINGS SET - (Continued)

Public Hearings Set

Set public hearings on the following:

- a. Revisions to the City Charter - December 15, 1983 at 5:00 p.m.
- b. An Amendment to the Austin Metropolitan Area Roadway Plan - Vinson Drive/Emerald Forest Drive: November 17, 1983 at 2:30 p.m.

Joint Venture

Approved allocating \$40,000 of 8th year Clarksville Community Development Block Grant contingency funds to the Clarksville/Blackshear Joint Venture.

Item to be Brought Back

Council had before it for consideration a resolution delaying the processing of all land plats in the approved and proposed Municipal Utility Districts located in the Southwest portion of the City of Austin's Extra Territorial Jurisdiction until roadway plans for the area have been approved by the Austin City Council. Council directed that this be brought back in Ordinance form on November 17, 1983.

TRANSPORTATION SYSTEM MANAGEMENT STUDY

The City Manager Report on Transportation Management Study was introduced by Jim Benson, Director of Urban Transportation. He said the study has been reviewed by the Citizen's Traffic Safety Commission and the Urban Transportation Department.

Mr. Bartholomew, consultant, reviewed the study by means of slides.

Councilmember Shipman commended the staff and directed the City Manager to proceed through the CIP process. She asked staff to list additional problem areas. Mayor Mullen said Council should put this on its goals and objectives. Councilmember Duncan asked staff to identify where the money for the budget amendment will come from.

SERVICE AREA AMENDMENTS

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, waived the requirement for three readings and finally passed the following ordinances: (7-0 Vote)

Amend the Service Area of the Water and Wastewater Utility to include approximately 58 acres of residential and commercial development for Eaneswood Phase IV Tract. No LUE's allocated.

Amend the Service Area of the Water and Wastewater Utility to include approximately 19.8 acres of residential development for the Central Park. No LUE's allocated.

Amend the Service Area of the Water and Wastewater Utility to include approximately 156 acres of residential and commercial development for the Foster Tract. No LUE's allocated.

PUBLIC HEARING - THE SCARBROUGH BUILDING AS AN ELIGIBLE
BLIGHTED AREA

Mayor Mullen opened the public hearing set for 1:35 p.m. on the Scarbrough Building, 101 West 6th Street, to consider designation of an area as an "Eligible Blighted Area" pursuant to Art. 5190.6 V.T.C.S., the Development Corporation Act of 1979.

Ms. Arclethia Overall stated the cost of improvements to the Scarbrough Building will be \$6,000,000.00.

Jonathan Davis, Acting City Attorney, stated the property is eligible under the criteria of the statute.

No one appeared to be heard.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Spaeth's second, closed the public hearing and adopted a resolution designating an area as an "Eligible Blighted Area" pursuant to Art. 5190.6, V.T.C.S. the Development Corporation Act of 1979 for the Scarbrough Building, 101 West 6th Street. (7-0 Vote)

RECESS

Council recessed its meeting at 2:20 p.m. and resumed its recessed meeting at 2:25 p.m.

PUBLIC HEARING - INDUSTRIAL DEVELOPMENT BOND FINANCED
COMMERCIAL PROJECT - SCARBROUGH BUILDING

Mayor Mullen opened the public hearing set for 1:40 p.m. on an Industrial Development Bond Financed Commercial Project proposed by the Scarbrough Building, 101 West 6th Street.

No one appeared to be heard.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, closed the public hearing and adopted a resolution approving an Industrial Development Bond Financed Commercial Project and findings as required by the Statute proposed by the Scarbrough Building at Congress and 6th Street. (7-0 Vote)

PUBLIC HEARING - SOUTHERN UNION GAS RATE INCREASE REQUEST
AND SOUTHERN UNION'S RESIDENTIAL CONSERVATION
RATES

Mayor Mullen opened the public hearing set for 2:00 P.M. on Southern Union Gas rate increase request and Southern Union's residential conservation rates.

Don Butler, Austin's rate consultant, told Council the increase requested is \$1.8 million plus a \$15.00 audit charge. Mr. Butler said rates should be leveled within customer class and he is against a surcharge unless the City has a good reason to have it.

Mr. Lawson, Department of Energy Management, said he endorses Mr. Butler's comments. He recommended Council direct the Southern Union Gas Company to prepare proof of rates and establish an upper limit on cost per audit.

Frank Rodriguez, Director of Management and Budget, reviewed the rate design of the Southern Union Gas proposal. He said the major tariff charge will benefit high end gas consumers and will be difficult for lower end gas users. He said he has surveyed 49 regulative authorities and the majority are moving from declining block to adopting a flat rate.

Bob Laczko, district vice president for Southern Union Gas Company, said they must work with the City to accomplish energy needs and gas is important for the energy need of Austin.

Daryl Janes, chairperson, Energy Advisory Commission, unanimously endorsed the Energy Management staff recommendation in opposing declining block rate which means the more you use the less you pay. They recommend conservative consumption and oppose a charge for an audit because the Energy Management Department already does that.

Councilmember Duncan said the declining block rate is bad for low energy users and most public and private companies are going away from them. He said there should be a conservation program.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Rose's second, closed the public hearing and passed through FIRST READING ONLY an ordinance granting Southern Union Gas Company's rate increase of \$1,754,374 with flat rate and a \$15.00 audit fee with no additional audits to be done until we have an incentive program. (Public hearing will be continued at 3:45 p.m., November 17, 1983.) (7-0 Vote)

OLD WEST AUSTIN MORATORIUM

Council had before them for consideration an amendment to an ordinance establishing the temporary moratorium on demolition and removal permits and water and wastewater taps in the Old West Austin Neighborhood. (Continued from November 3, 1983)

Councilmember Spaeth announced he would abstain from the vote and that he must leave the dais.

Mr. Hardin appeared before Council to say he is concerned because he does not see the water and wastewater problems in the area.

A man who did not identify himself discussed revision of criteria.

Joe Cain, attorney representing John Fitzpatrick, a property owner, said the moratorium is not intended to take away property rights but instead to keep things in a stable situation so real problems with the infrastructure can be looked at. He said he sees this as an attempt at down-zoning.

Mr. Lillie, Director of Planning, said part of the criteria says that for property zoned more permissive than "A" and planned for development other than single family or duplex, there is a process by which that can occur. They can file their site plan to be reviewed by Water and Wastewater and Urban Transportation and if the capacities are there the project can proceed. Concerning down-zoning, that cannot occur without notice and public hearing, it cannot be automatic at the end of the moratorium.Mr. Lillie said Mr. Schwing, Director of Water and Wastewater, stated it would be difficult at this point in time to accomplish a timely updating of all the departmentals information regarding the capacity in that area and so it would be difficult to accomplish what the neighborhood organizations recommended. The same is true with the Urban Transportation Department.

John Fitzpatrick discussed the neighborhood organization and said it is unfair because he owns two pieces of property but cannot be in their organization because he is not a resident of the area.

Motion

The Council, on Councilmember Shipman's motion, Mayor Mullen's second, waived the requirement for three readings and finally passed an ordinance amending an ordinance establishing the temporary moratorium on demolition and removal permits and water and wastewater taps in the Old West Austin Neighborhood and insert 5a in criteria as recommended by staff. (6-0 Vote, Councilmember Spaeth abstained)

CABLEVISION RATES

The Council, on Councilmember Spaeth's motion, Mayor Mullen's second, passed through SECOND READING of an ordinance regulating and prescribing rates to be charged for cable television service within the City of Austin by Austin CableVision and rescind built-in increase in 1985-87. (7-0 Vote) (To be brought back for third reading on November 17, 1983.)

CONTRACT APPROVED

The Council, on Councilmember Duncan's motion, Mayor Mullen's second, adopted a resolution approving the following contract: (7-0 Vote)

ROY'S TAXI, INC. (MBE)
90 East Avenue
Austin, Texas

- S.T.S. (Special Transit Services)
Program, Urban Transportation
Department - \$250,000.00
December 1, 1983 thru November 30, 1984

Prior to the vote, Councilmember Duncan said he would like staff to explain, by memo, the purchase of a limousine by Roy's Taxi. He said there have been some questions raised about the way the contract was done. "We do not want to hold up approval of the contract because service runs out on the 30th but there have been questions about the RFP. There were also some questions about whether limousine permits or taxi permits needed to service the contract. It is my understanding that Roy's Taxi has purchased a limousine permit and when another person tried to apply for the contract was turned down because it did not have limousine permit as opposed to taxi permits. Also this contract runs through November 30, 1984 but Roy's Taxi franchise expires in September, 1984, leaving a period of about 60 days contracted for but without the franchise running to that extent." Mr. Meiszer, City Manager, explained the successful bidder made the bid on the basis of providing taxi service and then wants to substitute limousine service for the taxi service. Councilmember Duncan said MIGHT had wondered why they were not contacted regarding the services. Councilmember Duncan also wants to know how the contract can run 60 days longer than Roy's Taxi Franchise runs. Dr. Benson said, "Obviously if the franchise is not renewed we will be seeking a new contract."

ITEM PULLED

The Council pulled from the agenda a resolution to consider amending Water Supply Contract between City of Rollingwood and City of Austin.

RECESS

Council recessed its meeting at 3:50 p.m. and resumed its recessed meeting at 4:40 p.m.

ZONING HEARINGS

Mayor Mullen announced the following zoning case, scheduled for 4:00 P.M. would be heard. Council heard, closed the public hearing, granted and requested the Acting City Attorney to bring back the necessary ordinance.

November 10, 1983

C14r-83 CAPITOL DEVELOPMENT
177 By Joe E. Higgs

4500-4630 Bull Creek
5700 Mt. Bonnell Dr.
5701 West Slope Dr.

From Interim "AA" 1st H&A
To "A-2" 1st H&A
RECOMMENDED subject to
site plan, recommend that
head-in parking aimed at
single-family residences
be placed on opposite
side of street.

GRANT AS RECOMMENDED SUBJECT TO 9 CONDITIONS
VOLUNTEERED BY APPLICANT AND AGREED TO BY
THE NEIGHBORHOOD. **

- (For record, as submitted by Dudley Hawthorne Jr., Financial Research, Inc.)
- **1. Fence - The fence will be built prior to any construction commencing. The fence will be constructed of cedar and maintained by developer. In regards to existing fences it will be up to the individual homeowner to decide since our fence will be uniform and run the length of the property.
 2. Parking - All parking that heads into existing single family residences will be deleted. This is also per Planning Commission.
 3. Landscape - Additional landscaping will be added to rear between drive and fence to help reduce noise, lights and traffic.
 4. Greenbelt - Will maintain at least a ten foot greenbelt between rear fence and drive except where it would cause a major loss of trees.
 5. Lights - Exterior lighting on the sides that face the existing single family will be limited to low hooded lights with only one per living unit.
 6. Drive - Some form of control will be installed to inhibit the drive from becoming a through street, such as a gate or speed bumps.
 7. Height - the units will not exceed 24 feet in height. The units also will not contain windows on upper story that face the existing single family homes.
 8. Exterior Finish - The units exterior will blend with existing homes in the area.
 9. Representatives on Board - the condominium by-laws will provide for a liaison with the neighborhood association.

Mr. Lillie reported to Council that this case was on their agenda last week and Council had asked Dr. Benson for a report on traffic. Dr. Benson said that there are short range measures and options to look at. Allen Brecher, Urban Transportation Department, showed a map and said he had talked to the State Highway Department and neighborhood association concerning traffic problems. The 45 mph speed will be re-evaluated, flasher signs will be considered and a de-acceleration line to the intersection of the entrance to Mt. Bonnell Drive.

Robert Giddings, Lookout Mountain Neighborhood Association, said they are pleased with the proposed plan and withdraw their opposition to the developer with the caveat that their changes will be incorporated into the zoning change. (THEY ARE THE NINE POINTS ABOVE.)

Marceline Lasater discussed traffic.

(On Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, 7-0 Vote)

ZONING HEARING

Mayor Mullen opened the zoning hearing set for 4:05 P.M. Council heard, closed the public hearings and directed that they be brought back for a vote on November 17, 1983 at 3:55 p.m.

C14-83 JULIAN READ 1504 West Avenue
142 By Diane Van Helden

From "A" 1st H&A
To "O-H" 1st H&A
RECOMMENDED subject to restrictive covenant restricting parking and fence or natural barrier on upper level of property fence is to be provided on lower level of property.

BRING BACK FOR VOTE 11/17/83 AT 3:55 P.M.

C14 h-83 DIGNAN-MICKEY 1504 West Avenue
020 HOUSE
By Julian Read

From "A" 1st H&A
To "O-H" 1st H&A
RECOMMENDED

BRING BACK FOR VOTE 11/17/83 AT 3:55 P.M.

Mr. Lillie reviewed the application by means of slides. He said the Planning Commission recommended the historic zoning with 8 of 13 factors. The proposed plan is to convert the house to office use. The Planning Commission supported "O" and there was a valid petition at that time. Mr. Lillie told Council that today he had received notice from the applicant withdrawal of 40' from the property for re-zoning, making the petition invalid. Mr. Lillie said the applicant will get permits from Building Inspection and will need adequate parking. Councilmember Urdy said there should be a way for the neighbors to re-validate the petition. Mr. Nias said he will check the question as to whether to allow the amendment to the zoning application. He said the petition can be supplemented at any time.

Diane Van Helden, representing the applicant, said West Avenue is mixed use from 15th to Martin Luther King Boulevard and is a major arterial. She said the neighbors on four sides approve the zoning change which will result in restoration.

Mr. Read, owner of the property, said the house, which is next door to Caswell North, would be too expensive to remodel and maintain as a residence. He said he owns a communications firm and their clients do not come to them and they have only 10 employees, so there would not be a noticeable increase in traffic.

Mrs. Read told Council their intent is to preserve the house which was built in 1889.

Mike Walker, an architect, favors the zoning application. He said it will cost \$160,000 to bring the house up to standard.

ZONING - (Continued)

Mary Nell Garrison, realtor, said the house could not feasibly be used as a home. Vicki Puentes also expressed her support for zoning change, as did Gregg Boutwell. Robert Mickey said the house was his parents home and they tried for five years to sell it as a residence and could not.

The following people spoke against the zoning change:

Carey Jones, who was concerned about the 40' change made at the last minute and opposes "O" zoning but not "H" zoning. He feels mixed use would be abused.

Joe Howard, West Austin Neighborhood Association, said they are forming a committee to buy old houses in the area so they can maintain them as residences.

Gayle Brown is remodeling a house at 1615 Pearl and does not want to live in an office area.

Louise Denham, 805 West 16th, said her backyard would be next to an office and does not want that. Wants neighborhood preservation for residences.

Kirby Canyon does not want an office in the neighborhood.

Lucy Merritt wants the inner city neighborhood preserved.

Peggy Krueger, 1608 West Avenue, lives in the neighborhood and wants to remain there.

Diane Van Helden, summarized the applicants request, and said there already is office use in the neighborhood.

Councilmember Spaeth said he favors the zoning change. He has an office at 904 West Avenue and he feels the zoning change would be the best way to preserve the house in the neighborhood. He says if the house is not preserved in this way, it may be torn down some day and apartments built.

Councilmember Shipman disagreed. She said this is one of the few healthy inner-city neighborhoods left in Austin. She said chopping it up will ruin the neighborhood line.

Motion

Councilmember Shipman made a motion, seconded by Mayor Pro Tem Trevino to deny the zoning request.

Mayor Pro Tem Trevino said he agrees with the neighborhood. Councilmember Duncan said he also supports the neighborhood.

Mayor Mullen requested a one week postponement on the case because he wants to go out and look at the site and the house and vote next week.

Motion Withdrawn

Councilmember Shipman withdrew her motion and Mayor Pro Tem Trevino withdrew his second.

ZONING - (Continued)

Motion

The Council, on Councilmember Spaeth's motion, Councilmember Duncan's second, closed the public hearing. (4-0 Vote, Mayor Pro Tem Trevino, Councilmembers Shipman and Urdy out of the room.)

ZONING HEARING

Mayor Mullen opened the zoning hearing set for 4:15 p.m. Mr. Lillie reviewed and Council postponed the case until November 17, 1983 at 6:30 p.m. on Mayor Pro Tem Trevino's motion and Councilmember Duncan's second, 7-0 Vote.

C14 -83 EDWARD JOSEPH 3408 Fruth Street
152 DEVELOPMENTS, INC.
By Douglas Hearne

From "BB" 1st H&A
To "O" 1st H&A
NOT RECOMMENDED
RECOMMENDED "O-1" 1st H&A
subject to restrictive
covenant limiting use
to parking lot only.
City of Austin land-
scape architect is to
review existing trees,
dedicate right-of-way
up to 30' from center-
line.

POSTPONE TO NOVEMBER 17, 1983 AT 6:30 P.M.

ZONING HEARINGS POSTPONED

Council agreed to postpone the following zoning hearings until November 17, 1983 at 6:00 P.M.:

C14 -83 WILLIAM H. ESPEY, 1134-1152 Lost Creek
157 TRUSTEE Boulevard
ROBERT J. HUSTON
TRUSTEE
By David Ambrust

From Interim "AA" 1st H&A
To "GR" 1st H&A
NOT RECOMMENDED
RECOMMENDED "LR" 1st H&A
subject to restrictive
covenant limiting use to
bank facility, noting
that zoning will rollback
to "O-1" 1st H&A in the
event the bank use ceases.

C14 r-83 NARJIS INVESTMENTS 1114 Lost Creek
161 N.V., TRUSTEE Boulevard
By George E.
Henderson

~~TO BE HEARD 11/17/83 @ 6:00 P.M.~~
~~From Interim "AA" 1st H&A~~
To "GR" 2nd H&A
NOT RECOMMENDED
RECOMMENDED "LR" 2nd H&A
for building pad only,
subject to restrictive
covenant limiting use
to bank facility, "O-1"
1st H&A for balance.

TO BE HEARD 11/17/83 @ 6:00 P.M.

RECESS

Council recessed its meeting at 6:30 p.m. and resumed its recessed meeting at 7:00 p.m.

WATERSMARK APPROACH MAIN SERVICE AREA

The Council, on Councilmember Duncan's motion, Councilmember Rose's second, approved an amendment to the Watersmark Approach Main Service Area to include the Friesenhahn Tract and 141 LUE's as recommended by the Water and Wastewater Commission and the Planning Commission. (7-0 Vote)

PUBLIC HEARING - VACATION OF A PORTION OF CIRCLE S ROAD

Mayor Mullen opened the public hearing set for 4:15 p.m. on the vacation of a portion of CIRCLE S. ROAD from Bluff Springs Road to Eberhart Lane. (Requested by the Austin Independent School District.)

No one appeared to be heard.

Mr. Richard Ridings, Director of Public Works, told Council everything is in order.

Motion

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating a portion of Circle S. Road from Bluff Springs Road to Eberhart Lane. (7-0 Vote)

PUBLIC HEARING - STREET EASEMENT AND DRAINAGE EASEMENT ON PARK LAND IN WILLIAMSON GREENBELT

Mayor Mullen opened the public hearing set for 4:30 p.m. on dedication of a street easement and drainage easement on park land in the Williamson Creek Greenbelt for the Nuckols Crossing Road Improvement Project and passage of ordinance.

No one appeared to be heard.

Mayor Mullen asked Mr. Ridings, Director of Public Works, "Is there no feasible and prudent alternative to a street easement and drainage easement?" Mr. Ridings answered, "No". Mayor Mullen asked, "In your opinion has all reasonable planning been undertaken to minimize any harm to the park as a result of this use?" Mr. Ridings answered that the planning has taken place.

Motion

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, found that there is no feasible and prudent alternative to the dedication of a street easement and a drainage easement on park land in the Williamson Creek Greenbelt for the

HEARING - (Continued)

Nuckols Crossing Road Improvement Project and closed the public hearing, waived the requirement for three readings and finally passed an ordinance dedicating a street easement and a drainage easement on park land in the Williamson Creek Greenbelt for the Nuckols Crossing Road Improvement Project. (7-0 Vote)

PUBLIC HEARING - ANNEXATIONS

Mayor Mullen opened the public hearings set for 5:00 p.m. on four annexations.

No one appeared to be heard.

Councilmember Shipman stated for the record: "The updated fiscal impact which we just received the other day says some of these areas are marginal because they are contiguous to the City limits. The negative impact will be positive within a short period of time."

Motion

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, closed the public hearings and approved the following annexations: (7-0 Vote)

- a. 30 acres of land out of the Theodore Bissel League No. 18, Pheasant Run Section Two. (C7A-81-007)
- b. 131 acres of land out of the Thomas Anderson League, Maple Run, Section 5, Maple Run, Section 6, Maple Run Section 7 and Maple Run, Section 7-A and portion of Latta Drive. (C7A-81-010 & C7A-81-011)
- c. 7.73 acres of land out of the James O. Irvine Survey No. 122, Balcones Village Section 12. C7A-81-014)
- d. 15.9 acres of land out of the William Cannon League Survey No. 19, portion of Buckingham Estates, Phase 3, Section 3-A. (C7A-83-004)

PUBLIC HEARINGS - ANNEXATIONS

Mayor Mullen opened the public hearings set for 5:15 p.m. on three annexations.

No one appeared to be heard.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Shipman's second, closed the public hearing and approved the following annexations: (7-0 Vote)

ANNEXATION - (Continued)

- a. 6.58 acres of land out of the William Frampton Survey, Williamson County, portion of Anderson Mill Commercial Addition and Anderson Mill Road. (C7A-80-20)
- b. 81 acres of land out of the Santiago Del Valle Grant, Williamson Creek Subdivision, Section 1, portion of Nuckols Crossing Road and Unplatted Land. (C7A-81-005)
- c. 117 acres of land out of the P. Conrade Survey No. 112 James Rogers Survey No. 19 and E.J.W. Lowery Survey No. 21, Milwood Section 9 and 11, Dorsett Road and Unplatted Land. (C7A-81-006)

PUBLIC HEARING - APPEAL RE OPEN DOOR PRESCHOOL

Mayor Mullen opened the public hearing set for 5:30 p.m. on an appeal from Mr. Gary Ashford, of the Planning Commission's decision on Case No. C14p-83-097, the Open Door Preschool.

Mr. Lillie, Director of Planning, told Council the Open Door Preschool wants to open a day care center at 603 Bouldin for 36 children.

Jill Vodquist, operation director for the Open Door School, said the site in question is the only suitable one they can find. She said 30% of their children are handicapped. They will be good neighbors, not put up a sign, and maintain the residential character of the neighborhood.

Gary Ashford, an architect representing the Open Door School, said the project will not modify the area or change property values. He asked Council to help them find another place if they cannot support this zoning request.

Michael Ennity, who lives two blocks from the site, thinks the school would be a good and appropriate use. Claudette Lowe, realtor, said they have looked and have not found anything with the proper zoning. Regina Rogoff who is on the Open Door Board, supports the school and was a member of the board before she became the mother of a handicapped child who is a student. Laura Stiers spoke for the school and said it belongs in the neighborhood. Molly Muir who has lived next door to a day care center said she is not aware of a lot of noise or traffic congestion or a negative impact. Jack Gordon, who does not live in the area, said the school is no threat. Karen Moore, whose daughter attends the school, said there is no other suitable site to be found.

The following people spoke against the school:

James Pinedo, president, Bouldin Creek Neighborhood Association, is against the school and the issue is land use. They are concerned about the traffic from a new office building going up and other non-residential businesses in the area.

Susan Leahy, 809 Bouldin, said the school will contribute to commercialization.

HEARING - (Continued)

Amelia Sontrof, 607 Bouldin, spoke against and showed slides. Ruby Turner, 602 South 3rd, said the playground would be at her back door. A woman who lives at 717 Post Oak said she has found an available house on Manchaca Road which can be rented for \$750.00 a month. Henry Helth said the school would be within 300' of his house and protests the location, not the school. Genevieve Duncan who lives across the street from the site is afraid for children's safety. James Sungroth, 607 Bouldin, is opposed because of the long term effects on the neighborhood.

Jill Vodquist, representing the applicant, said no matter where they go someone will complain. She said the house is attractive for them and requested approval.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Duncan's second, closed the public hearing and granted a Special Permit on Case No. C14p-83-097, The Open Door Preschool.
(4-3 Vote, Mayor Mullen, Councilmembers Rose and Shipman voted No.)

CABLE TELEVISION FRANCHISE ORDINANCE

The Council, on Councilmember Urdy's motion, Councilmember Spaeth's second, passed through FIRST READING ONLY an ordinance amending the Cable Television Franchise Ordinance and designating ESPN to channel 43 and Cable Health to channel 24.
(7-0 Vote)

AUSTIN CABLEVISION

The Council, on Councilmember Urdy's motion, Councilmember Spaeth's second, adopted a resolution requesting Austin Cablevision and Austin Community Television to program the repeat portion of the Black Entertainment Television services on Cable Channel 12. (7-0 Vote)

PUBLIC HEARING - APPEAL RE SPECIAL PERMIT

Mayor Mullen opened the public hearing set for 5:45 p.m. on an appeal from Mr. Arthur L. Mosely, representing the Northeast Austin Residents Association of the Planning Commission's decision to grant a Special Permit for Case No. C14p-83-098.

Mr. Arthur Mosely, 1402 Marston Circle, expressed opposition & showed slides. Traffic congestion is the reason for Betty White's opposition. Raymond Brink opposes the plan because he said water and wastewater capacity is already overloaded. Jeannette Jones opposes the change as does Mr. Davis.

Councilmember Shipman said having three story buildings in the area presents a real problem. After more discussion, Council decided to continue the case.

HEARING - (Continued)

Motion

The Council, on Councilmember Shipman's motion, Mayor Mullen's second, voted to continue the hearing on November 17, 1983 at 6:20 p.m. (7-0 Vote)

EXECUTIVE SESSION

Council recessed its meeting at 9:20 for an executive session under Article 6252-17 to discuss: Boards & Commissions Appointments, Section 2, Paragraph g; Ku Klux Klan v. City of Austin and Black Citizens Task Force v. City of Austin - pending litigation - Section 2, Paragraph e; Acquisition of Real Estate, Section 2, Paragraph f; and Personnel Matters, Section 2, Paragraph g. After such closed or executive session, any action to be taken will be done so in open meeting.

RECESS AND ADJOURNMENT

Council recessed its meeting at 9:20 p.m. and adjourned its meeting after executive session at 10:25 p.m.